



Ginarte O'Dwyer González Gallardo & Winograd LLP.

ATTORNEYS AT LAW
GINARTE PROFESSIONAL BUILDING
400 MARKET STREET
NEWARK, NJ 07105

JOSEPH A. GINARTE*
JOHN D. O'DWYER
RICHARD M. WINOGRAD
MANUEL GONZALEZ
MICHAEL A. GALLARDO
BARRY D. WEIN
ELLEN RADIN 2
ALON SOLON
WALTER J. CURTIS
MARK MAURER
ADAM J. KLEINFELDT 2
LEWIS ROSENBERG 2
ANTONIO L. CRUZ 2
CHRISTOPHER PEREZ
CHAREN KIM +
THAILARY LIM +
STUART L. KITCHNER +
MATTHEW S. SCHOEN
REX ZACHOFSKY + 2
MOISES APSAN 2
JESUS J. PEÑA 2

Direct Dial
(973) 854-8443
FAX: (973) 643-1857

WWW.GINARTE.COM

NEWARK
NEW YORK
UNION CITY
ELIZABETH
CLIFTON
PERTH AMBOY

I CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CIVIL TRIAL ATTORNEY
2 OF COUNSEL
+ ADMITTED TO NY
 ADMITTED TO NJ & NY
* ADMITTED TO NJ, NY & DC
 ADMITTED TO NY & MA

ROGER GUARDA
CLAIMS MGR.

February 22, 2011

Via ECF and Facsimile to (973) 645-4412

The Honorable Michael A. Shipp, U.S.M.J.
The United States District Court for the District of NJ
Martin Luther King, Jr. Federal Building &
United States Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *Reyes v. Keith Machinery Corp., et al.*
Civil Action No.: 2:09-CV-5309
Our File No.: 233266

Dear Judge Shipp:

We represent the plaintiff, Ramon Reyes in the above product liability matter that had previously been removed to Federal court.

We last communicated with the court at the deposition of the party defendant, Keith Machinery on February 17, 2011, when a dispute arose during the deposition of their representative, John Hatz regarding his voluntary willingness to prepare a drawing of an "always in" nip point guard. The court ruled that Mr. Hatz should be permitted to do the drawing and in fact that was accomplished and his deposition completed.

February 22, 2011

Page 2

However, due to new information that came out at his deposition, some additional discovery is necessary before plaintiff and presumably any of the defense experts can prepare proper reports on liability.

Counsel for Keith Machinery previously wrote to the court, with our consent, requesting an additional extension of discovery and the request was granted. Discovery was extended until February 21, 2011, but the request to extend the date for the service of expert reports until March 7, 2011 from February 28, 2011 was not granted.

The purpose of this correspondence is to request that the service of expert reports be extended until at least March 7, 2011 as previously requested, and if possible, until March 28, 2011 to allow for the full 30 days provided by F.R.C.P. 34 for the production of documents that Keith Machinery must now produce pursuant to a Request to Produce that has been generated today directly arising out of the deposition of Mr. Hatz.

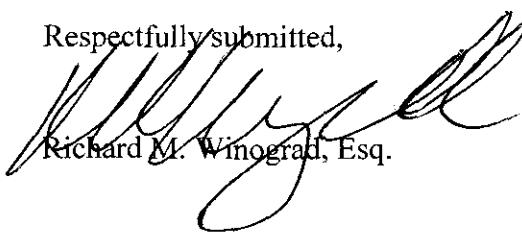
Specifically, the information that came out of the deposition of Mr. Hatz pertained to two areas. First, as stated, the permanently installed in running nip point guard that the witness acknowledged could have prevented the specific accident that occurred in this instance that they now made available. Second, information about a manual wash up system that could have alleviated the need for plaintiff to physically place his hands on moving rollers to clean them. Prior to the deposition of Keith Machinery, plaintiff had not been made aware of any of this information.

We have attempted to contact counsel for Keith Machinery to secure their consent to this application, but have not been able to reach them yet. We anticipate that we will receive consent of all counsel for this application, based upon prior discussions.

We therefore are respectfully requesting that the due date for the service of expert reports be extended until March 28, 2011, or at the very least until March 7, 2011 as previously requested.

Thank you for your kind attention to this matter.

Respectfully submitted,



Richard M. Winograd, Esq.

RMW/ecc

cc: Abigail Bowen, Esq. (Via ECF and Facsimile 212-952-1110)
J. Michael Kunsch, Esq. (Via ECF and Facsimile 215-557-0999)
Elizabeth Norton, Esq. (Via ECF & Facsimile 614-464-1737)